

Inventor: Earl Votolato
Serial No.: 10/047059
Docket No. 019502.0015US1

Art Unit: 3765
Examiner: Rodney Lindsey

REMARKS

Claim Rejections

35 UC § 102(b)

Claims 1, 3, 5, and 14 were rejected under 35 USC 102(b) as being anticipated by Green (US 4188055). Those rejections should be withdrawn.

It is axiomatic that an anticipation rejection is appropriate if and only if all elements of the claim are satisfied by the reference. In this case previously presented claim 1 requires "one pocket sized and dimensioned to receive *substantially an entirety* of four fingers of an adult human hand." (emphasis added). That limitation is not satisfied by Green. Quite to the contrary, Green teaches a tongs in which the pockets are way too small to receive *substantially the entirety* of the four fingers of the user. Significantly, the examiner must have overlooked that limitation because he completely omitted any reference to that limitation in the rejection.

35 USC § 103

Claims 2 and 4 were rejected under 35 USC 103 as being obvious over Green in view of Jones. Those rejections should also be withdrawn. Claims 2 and 4 are allowable as being dependent upon allowable claim 1.

Allowable Subject Matter

Applicant notes that the office considers claim 6 to be allowable if re-written in independent form. Applicant declines to follow that suggestion, because the independent claim 1 is allowable by itself.

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REQUEST FOR ALLOWANCE

Claims 1-6 and 14 are pending in this application. The applicant requests allowance of all pending claims.

Respectfully submitted,
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